UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/811,000	MABE ET AL.
	Examiner	Art Unit
	Chandrahas Patel	2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>03 March 2005</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-22</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>26 March 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>3/3/2005</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 5, 9, 13, 17, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by

Goringe et al. (USPN 7,200,122).

Regarding claim 1, Goringe teaches a process for use as part of a routing protocol in an

ad hoc digital communications network wherein the network is comprised of a plurality of nodes

[Fig. 1] each of which includes a router including a routing table having routing information

defining routing pathways through the network and including one or more metrics defining

message transfer characteristics for each such routing pathway **[Fig. 2, 232]**, comprising the

steps of: a) having a plurality of nodes exchange routing advertisement messages including

routing pathways through the network and including one or more metrics defining message

transfer costs for each routing pathway **[Col. 4, lines 6-33, plurality of routers exchange

messages to get each others path connections]**; b) having one of the nodes check to determine

if it comprises an advantaged node which may experience heavy network traffic potentially

leading to network communications traffic congestion **[Col. 7, lines 1-7, if its contains more

than one OSPFs than more traffic will go through it therefore it will experience heavy

traffic]**; c) having an advantaged node adjust one of the metrics of a plurality of routing

pathways through the node entered into a routing table to form an updated routing table [**Col. 7,**

lines 39-57, Fig. 3 steps 324 and 328 shows adjusting links and updating routing table]; and

d) having this updated routing table including adjusted metrics advertised across the network for

the purpose of updating the routing tables of other nodes in the network [**Col. 8, lines 44-51,**

links are advertised across the network and listed in the router].

Regarding claim 5, Goringe teaches a process for use as part of a routing protocol in an

ad hoc digital communications network featuring differentiated services wherein the network is

comprised of a plurality of nodes [**Fig. 1**] each of which includes a router having

multidimensional routing information reflecting different code-point levels and defining routing

pathways through the network for each code-point and one or more metrics defining message

transfer characteristics for each such routing pathway for each code-point [**Fig. 7**], comprising

the steps of: a) having a plurality of nodes exchange routing advertisement messages including

routing pathways for each code-point through the network and including one or more metrics

defining message transfer costs for each routing pathway [**Col. 4, lines 6-51, plurality of**

routers exchange messages to get each others path connections, more than one routing

protocols in use will generate more than one routing topology teaches different routing

pathway for each code-point]; b) having one of the nodes check to determine if it comprises an

advantaged node which may experience heavy network traffic potentially leading to network

communications traffic congestion [**Col. 7, lines 1-7, if its contains more than one OSPFs than**

more traffic will go through it therefore it will experience heavy traffic]; c) having an

advantaged node increase one or more of the metrics of a plurality of routing pathways through

the node entered into a routing table by amounts based on the code-point of the entry to form an

updated routing table [Col. 7, lines 39-57, Fig. 3 steps 324 and 328 shows adjusting links and

updating routing table, area identifier identifies the code-point]; and d) having the updated

routing table advertised across the network for the purpose of updating the routing tables of other

network nodes [Col. 8, lines 44-51, **links are advertised across the network and listed in the**

router].

Regarding claim 9, Goringe teaches a process for use as part of a routing protocol in a

mobile ad hoc digital communications network composed of a plurality of nodes [**Fig. 1**] each of

which includes a router having a routing table including routing information defining routing

pathways through the network and one or more metrics defining message transfer characteristics

for each such routing pathway [**Fig. 2, 232**], comprising the steps of: a) having a plurality of

nodes exchange routing information including routing pathways through the network and one or

more metrics defining message transfer costs for each routing pathway [Col. 4, lines 6-33,

plurality of routers exchange messages to get each others path connections]; b) having one

of the nodes calculate a measure of the degree to which it comprises an advantaged node [Col. 7,

lines 1-7, if its contains more than one OSPFs than it is advantage node]; c) having an

advantaged node increase one or more of the metrics of a plurality of pathways through the node

entered into its routing table to form an updated routing table as a function of the measure of the

degree to which it comprises an advantaged node [Col. 7, lines 39-57, Fig. 3 steps 324 and 328

shows adjusting links and updating routing table and areas are examined or discarded

based on if entry exists in LSA table]; and d) having the updated routing table including

adjusted metrics advertised across the network for the purpose of updating the routing tables of

other network nodes **[Col. 8, lines 44-51, links are advertised across the network and listed in the router]**.

Regarding claim 13, Goringe teaches a process for use as part of a routing protocol in a mobile ad hoc digital communications network comprising of a plurality of nodes **[Fig. 1]** each of which includes a router having a routing table including routing information defining routing pathways through the network and including one or more metrics defining message transfer characteristics for each such routing pathway **[Fig. 2, 232]**, comprising the steps of: a) having a plurality of nodes exchange routing advertisement messages including routing pathways through the network and one or more metrics defining message transfer cost metrics for each routing pathway **[Col. 4, lines 6-33, plurality of routers exchange messages to get each others path connections]**; b) having one or more of the nodes check to determine if they comprise partially disadvantaged nodes **[Col. 4, lines 6-33]**; c) having a partially disadvantaged node increase one or more of the metrics of a plurality of routing pathways through the node entered into a routing table by a substantial amount in order to discourage all but essential traffic through the node and form an updated routing table **[Col. 8, lines 25-42]**; and d) having the updated routing table advertised across the network for the purpose of updating the routing tables of other network nodes **[Col. 8, lines 44-51, links are advertised across the network and listed in the router]**.

Regarding claim 17, Goringe teaches a process for use as part of a routing protocol in a mobile ad hoc digital communications network composed of a plurality of nodes **[Fig. 1]** each of which includes a router having a routing table defining routing pathways through the network and including one or more metrics defining message transfer characteristics for each such routing pathway **[Fig. 2, 232]**, comprising the steps of: a) exchanging routing information between a

plurality of network nodes including routing pathways through the network and one or more

metrics defining message transfer costs for each routing pathway; **[Col. 4, lines 6-33, plurality**

of routers exchange messages to get each others path connections]; b) generating a measure

the degree to which one of the nodes may comprise an advantaged node which may experience

unduly heavy network communications traffic; **[Col. 7, lines 1-7, if its contains more than one**

OSPFs than more traffic will go through it therefore it will experience heavy traffic]; c)

adjusting one or more of the metrics of a plurality of routing pathways through the node as

entered into its routing table as a function of the measure of the degree to which the node is an

advantaged node to form an updated routing table to be used for advertising routing information;

and **[Col. 7, lines 39-57, Fig. 3 steps 324 and 328 shows adjusting links and updating routing**

table and areas are examined or discarded based on if entry exists in LSA table]; and d)

advertising the updated routing table including adjusted metrics across the network for the

purpose of updating the routing tables of other network nodes. **[Col. 8, lines 44-51, links are**

advertised across the network and listed in the router].

Regarding claim 20, Goringe teaches a process for use as part of a routing protocol in an

ad hoc digital communications network featuring differentiated services wherein the network is

comprised of a plurality of nodes **[Fig. 1]** each of which includes a router having

multidimensional routing information reflecting different code-point levels and defining routing

pathways through the network for each code-point and one or more metrics defining message

transfer characteristics for each such routing pathway for each code-point **[Fig. 7]**, comprising

the steps of: a) exchanging routing information between a plurality of nodes including routing

pathways for each code-point through the network and including one or more metrics defining

message transfer costs for each routing pathway **[Col. 4, lines 6-51, plurality of routers exchange messages to get each others path connections, more than one routing protocols in use will generate more than one routing topology teaches different routing pathway for each code-point]**; b) determining if a node comprises an advantaged node which may experience heavy network traffic potentially leading to network congestion **[Col. 7, lines 1-7, if its contains more than one OSPFs than more traffic will go through it therefore it will experience heavy traffic]**; c) adjusting one or more of the metrics for a plurality of routing pathways through an advantaged node as entered into its routing table by amounts based on the code-point level of the entry to form an updated routing table **[Col. 7, lines 39-57, Fig. 3 steps 324 and 328 shows adjusting links and updating routing table, area identifier identifies the code-point]**; and d) advertising the updated routing table including adjusted metrics across the network for the purpose of updating the routing tables of other nodes in the network **[Col. 8, lines 44-51, links are advertised across the network and listed in the router]**.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 2, 3, 6, 7, 10, 11, 15, 18, 19, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goringe et al. (USPN 7,200,122) in view of Elliott (USPN 7,139,262).

   Regarding claims 2, 6, 21, Goringe teaches the process as discussed in rejection of claims 1, 5, 20.

However, Goringe does not teach having each node check to determine if it comprises an advantaged node includes the step of having the node calculate a ratio of the node's neighbors to the average number of its neighbors' neighbors as a basis for determining if it is an advantaged node.

Elliott teaches having each node check to determine if it comprises an advantaged node includes the step of having the node calculate a ratio of the node's neighbors to the average number of its neighbors' neighbors as a basis for determining if it is an advantaged node **[Col. 7, lines 41-56]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have node calculate a ratio of the node's neighbors to the average of its neighbors' neighbors to determine if it is an advantage node so that routing table of subsequent nodes can be updated accordingly by locating the advantage node **[Col. 2, lines 16-28]**.

Regarding claims 3, 19, 22, Goringe teaches routing protocol can comprise DSDV protocol **[Col. 1, lines 46-53, DSDV is distance-vector protocol]**.

However, Goringe does not teach adjusting one or more metrics of a plurality of routing pathways comprises incrementing the hop counts of the pathways.

Elliott teaches metric comprises hop count and step of adjusting one or more metrics of a plurality of routing pathways comprises incrementing the hop counts of the pathways **[Col. 7, lines 41-67 – Col. 8, lines 1-3]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to increment the hop counts of the pathways since introduction of new paths affects all other distances in the network **[Col. 7, lines 65-67]**.

Regarding claims 7, 15, Goringe further teaches routing protocol comprises DSDV protocol and one or more metrics comprise hop count **[Col. 1, lines 46-53, DSDV is distance-vector protocol]**.

Regarding claim 10, Goringe teaches the process as discussed in rejection of claim 9.

However, Goringe does not teach the measure of the degree to which a node comprises an advantage node is based on a ration of anode's neighbors to the average number of its neighbor nodes' neighbors.

Elliott teaches the measure of the degree to which a node comprises an advantage node is based on a ration of anode's neighbors to the average number of its neighbor nodes' neighbors **[Col. 7, lines 41-56]**.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have node calculate a ratio of the node's neighbors to the average of its neighbors' neighbors to determine the measure of the degree to which a node comprises and advantage node so that routing table of subsequent nodes can be updated accordingly by the degree to which the node comprises advantage node **[Col. 2, lines 16-28]**.

Regarding claims 11, 18, Goringe teaches routing protocol comprises DSDV protocol and one or more metrics comprise hop count **[Col. 1, lines 46-53, DSDV is distance-vector protocol]**.

However, Goringe does not teach the measure of the degree to which a node comprises an advantage node is based on a ration of anode's neighbors to the average number of its neighbor nodes' neighbors.

Elliott teaches the measure of the degree to which a node comprises an advantage node is based on a ration of anode's neighbors to the average number of its neighbor nodes' neighbors [Col. 7, lines 41-56].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have node calculate a ratio of the node's neighbors to the average of its neighbors' neighbors to determine the measure of the degree to which a node comprises and advantage node so that routing table of subsequent nodes can be updated accordingly by the degree to which the node comprises advantage node [Col. 2, lines 16-28].

5.   Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goringe et al. (USPN 7,200,122) in view of Elliott (USPN 7,139,262) as applied to claim 2 above, and further in view of Kao et al. (USPN 7,212,490).

Regarding claim 4, Goringe teaches routing protocol comprises a link state protocol [Col. 4, lines 19-26].

However, Goringe does not teach metric comprises latency.

Kao teaches metric comprises latency [Abstract].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have transfer cost based on latency so that congestion between the nodes can be determined [Col. 3, lines 48-57].

6.   Claims 8, 12, 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goringe et al. (USPN 7,200,122) in view of Kao et al. (USPN 7,212,490).

Regarding claims 8, 12, 16, Goringe teaches routing protocol comprises a link state protocol [Col. 4, lines 19-26].

However, Goringe does not teach metric comprises latency.

Kao teaches metric comprises latency [Abstract].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have transfer cost based on latency so that congestion between the nodes can be determined [Col. 3, lines 48-57].

7.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goringe et al. (USPN 7,200,122) in view of Sholander et al. (USPN 7,177,295).

Regarding claim 14, Goringe teaches the process as discussed in rejection of claim 13.

However, Goringe does not teach the step of having each node check to determine if it comprises a partially disadvantaged node includes the step of having the node check its available power reserves as a basis for determining if it may be a partially disadvantaged node.

Sholander teaches the node checks its available power reserves as a basis for determining if it may be a partially disadvantaged node [Col. 8, lines 9-22].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have each node check its available power so that QoS information can be determined [Col. 8, lines 18-22].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chandrahas Patel whose telephone number is 571-270-1211. The examiner can normally be reached on Monday through Thursday 7:30 to 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CBP

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